

JacksonLewis

September 19, 2022

VIA ECF

Honorable Philip M. Halpern
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

**Re: James Grimm v. Garnet Health, et al.
Civil Action No. 21-CV-11056 (PMH)**

Dear Judge Halpern:

We represent Defendants Garnet Health, L.P. et al. in your letter to Your Honor's September 16, 2022 Order. We request Your Honor's assistance in resolving the parties' dispute.

The parties met and conferred to discuss the Civil Case Discovery Plan and Scheduling Order on September 16, 2022.

The Civil Case Discovery Plan and Scheduling Order is attached hereto as "Exhibit A." As highlighted in Exhibit A, Paragraphs 5(b) and (c), Plaintiff's counsel requests that the service dates for initial requests for production of documents and interrogatories be pushed back from August 8, 2022 to September 23, 2022. Defendants do not agree with this request and believe that the due dates should remain August 8, 2022.

Plaintiff's counsel made a request to adjourn discovery by thirty days from October 5, 2022 to November 5, 2022 due to family illness on September 14, 2022. A copy of this request is attached hereto as "Exhibit B." Defendants consented to Plaintiff's extension request and a joint letter was filed on September 15, 2022. [ECF No. 22]. Plaintiff now requests that the due dates in Paragraph 5(b) and (c) be extended to September 23, 2022 for the same reasons outlined in Exhibit B.

While Defendants consented to a forty-five-day extension of discovery, Defendants did not consent to the extension of deadlines which had already expired. The due date for the initial requests for production of documents and interrogatories expired on August 8, 2022, which was thirty-seven days before Plaintiff counsel's request for the extension of discovery.

We thank the Court for its consideration in this regard.

Respectfully submitted,

The request for a conference is DENIED as unnecessary.

Paragraphs 5(b) and 5(c) of this Court's Civil Case Discovery Plan and Scheduling Order Template set a date by which the parties are directed to serve their initial requests for documents and interrogatories. Neither Federal Rule of Civil Procedure 33 nor 34 sets a deadline by which such demands must be served. Moreover, under the Civil Case Discovery Plan and Scheduling Order entered by the Court, these demands were to be served by June 21, 2022 - not August 8, 2022. (Doc. 21).

Accordingly, Plaintiff's request to extend the deadlines set by Paragraphs 5(b) and 5(c) is GRANTED. The parties are directed to file a Proposed Amended Civil Case Discovery Plan and Scheduling Order for the Court's approval forthwith.

No further extensions will be granted.

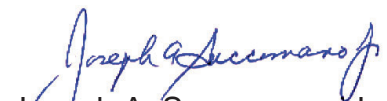
The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 24.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
September 21, 2022



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cc: Jimmy M. Santos (via ECF)

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